DELIBERATIVE PROCESS—DO NOT CITE OR SHARE

Bristol Bay Watershed Assessment
Spring 2013 Communication Plan

DRAFT—April 25 4:00 pm draft

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Background

In April 2013, EPA intends to release its revised draft Bristol Bay Watershed Assessment for a public comment period and for a peer review follow-up to determine if EPA addressed the peer reviewers' original feedback. EPA Region 10 communications staff will coordinate with headquarters external affairs on any public outreach.

Our communication objectives are as follows:

1. Be open and transparent in the assessment process as we move forward
2. Provide information to stakeholders and the public regarding the April public comment period and explain how they can participate
3. Set expectations about the purpose and scope of the watershed assessment
4. Actively correct misinformation about EPA's work in Bristol Bay

External Communications Schedule

NOTE: ALL TIMES ARE IN PACIFIC DAYLIGHT TIME

DATE/TIME	CALL OR ACTION	WHO	DONE?
April 25 COB	All communications material finalized, website teed up for publishing	Marianne, Judy, Hanady, Charles, Maureen	
April 25 COB	**FRN submitted for publication**	Jeff	
April 25, 5:00pm	**Advance and embargo materials to AP reporter Becky Bohrer. ***Materials and story are embargoed until press release is issued***	Marianne, Hanady	
April 26, 9:30am	**Congressional Notifications: -** **Materials to share include press release, executive summary, fact sheet, and website link.** • **Notify congressional state staffers via phone and e-mail:** o Sen. Begich o Sen. Murkowski o Sen. Cantwell o Sen. Murray o Sen. Wyden o Rep. McDermott • **Notify DC Hill staffers and committees (Arvin and staff):** o House Oversight and Government Reform o House Science Committee o House Transportation and Infrastructure Committee o Senate Committee on Environment and Public Works o Sen. Murkowski o Sen. Begich o Sen. Cantwell o Sen. Murray o Sen. Feinstein o Sen. Merkley o Sen. Wyden o Sen. Boxer o Rep. McDermott	Bill, Cindy, Matt K., Tom D., Denis B., Arvin Bill Dunbar makes phone calls Denis Borum, OCIR sends email with news release and exec. Summary. Only calls Nicki in Murray's office	
April 26 , 10:00am	Notify 31 tribal governments via e-mail/phone. Includes invitation to a May 14 webinar for tribes	Rick	
April 26, 10:00am	**Dennis calls AP reporter Becky Bohrer.**	Dennis, Marianne	
April 26, 10:00am	**Issue Media Advisory for press conference**	Marianne, Judy, Mark	
April 26 , 10:00am	Notify tribal corporations via e-mail	Rick	

DATE/TIME	CALL OR ACTION	WHO	DONE?
April 26 , 10:00am	Notify NGOs • Trout Unlimited • BBNC • BBNA • Nuna Resources • Nunamta Aulukestai • Commercial Fishermen for Bristol Bay, Bob Waldrop	Bill Dunbar and Rick Parkin	
April 26 , 10:00am	Notify Pebble Limited Partnership • John Shively • John Iani	Bill, Dennis	
April 26, 10:00am	Notify federal agencies on staff level • **James Balsiger,** Regional Administrator, NOAA • **Geoffrey Haskett,** AK Regional Director, U.S. Fish and Wildlife • **Sue Masica,** AK Regional Director, National Park Service • **???,** Commander, U.S. Army Corps of Engineers • **Mark Shasby,** Director, Alaska Science Center, USGS • **Bud Cribley**, State Director, Bureau of Land Management • **Interior? PERCIASEPE CALL TO JEWELL?**	Sheila, Rick	
April 26 , 10:00am	Notify state agencies • **Larry Hartig,** ADEC (Dennis) • **Dan Sullivan,** ADNR	Dennis, Rick	
April 26, 10:30 am	Publish updated Bristol Bay websites (Region 10 and ORD)	Charles, Maureen	
April 26 , 10:30 am	**Issue press release announcing revised assessment**	Marianne, Judy, Mark	
April 26 , 10:30 am	Dennis calls Frank Gerjevic at Anchorage Daily News 907-257-4308	Dennis	
April 26 , 11:00am	**Send message to listserv**	Judy	
April 26 , 12:00 pm	**Press availability with Dennis McLerran** • Dennis kicks off with key points and changes • Jeff and Rick available to answer technical questions	Dennis, Marianne, Hanady	
April 26	Send letter to 31 Bristol Bay tribes with copies of ES and a CD	Tami, Rick	
April 26	Guest editorial or greenversations blog	Marianne, Hanady, Bill	
April 30 COB	FRN published	Jeff	
May 14XX 1:30pm	Webinar for tribes	Rick, Tami	
May 31 COB	Public Comment Period Closes		

Regional Administrator Talking Points

Why are we doing this assessment?

- The purpose of the assessment is to characterize the biological and mineral resources of the Bristol Bay watershed, increase understanding of the impacts of large-scale mining on the region's fish resources, and inform future government decisions related to protecting and maintaining the physical, chemical, and biological integrity of the watershed.

- The assessment is intended to be a technical resource for the public and for federal, state, and tribal government entities as they consider how best to address the challenges of mining and ecological protection in the Bristol Bay watershed. It will inform the ongoing discussions of the risks of mine development to the sustainability of the Bristol Bay salmon fisheries and thus will be of value to the many stakeholders in this debate.

- We launched the assessment in response to requests for EPA action by Bristol Bay region Alaska Native governments, as well as commercial fishing and national groups concerned about the potential impacts that mining activity may have on this sensitive ecosystem.

- This is a scientific document, not a regulatory determination. EPA has made no decision about if or how it might use authorities under the Clean Water Act or other laws to protect Bristol Bay.

What is the scope of this assessment:

- This assessment reviews, analyzes, and synthesizes information relevant to impacts of large-scale mine development on Bristol Bay fisheries and subsequent effects on the wildlife and Alaska Native cultures of the region.

- Given the economic, ecological, and cultural importance of the region's salmonids (sockeye, Chinook, coho, chum, and pink salmon, as well as rainbow trout and Dolly Varden) and the concern of stakeholders and the public that a mine could affect those species, the primary focus of the assessment is the abundance, productivity, and diversity of these fishes.

- The assessment considers multiple spatial scales. The largest scale is the Bristol Bay watershed, which is a largely undisturbed region with outstanding natural, cultural, and mineral resources. Within the larger Bristol Bay watershed, the assessment focuses on the Nushagak and Kvichak River watersheds . These are the largest of the Bristol Bay watershed's six major river basins, containing about 50% of the total watershed area and are identified as mineral development areas by the State of Alaska.

What is the scope of the assessment (continued):

- This is not an in-depth assessment of a specific mine, but rather an examination of impacts of reasonably foreseeable mining activities in the Bristol Bay region, given the nature of the watershed's mineral deposits and the requirements for successful mine development.

- This assessment does not consider all impacts associated with future large-scale mining in the Bristol Bay watershed. Although the mine scenarios assume development of a deep-water port on Cook Inlet to ship product concentrate elsewhere for smelting and refining, impacts of port development and operation are not assessed. The assessment does not evaluate impacts of the one or more large-capacity, electricity-generating power plants that would be required to power the mine and the port. It also does not assess the effects of induced development that could result from large-scale mining in the region.

What are the key findings of the assessment?

- The main conclusions represented in the April 2013 revised draft are similar to the conclusions presented in the may 2012 draft, and reflect improvements made as a result of public and peer review comments.

- Main conclusions of the report are as follows:

    - Large-scale mining would result in habitat loss and modification due to destruction of streams and wetlands and water withdrawals. As a result, local populations of salmonids would decline in abundance and production.

    - Large-scale mining would generate huge quantities of waste rock. Over 99% of what is removed from the earth will be waste and processed (tailings), resulting in the building of very large tailing storage facilities, including multiple tailings storage dams.

    - Water in contact with tailings, waste rock, or the pit walls would leach copper and other metals. Although toxic effects would be minimized by collection of nearly all water from the site and treatment of collected water to meet state standards and national criteria before discharge, toxic effects would still occur, primarily due to the inevitable leakage of leachates.

    - Under routine operations, leakage would be sufficient to cause toxic levels of copper to streams. During the post operation phase, collection and treatment failures are highly likely to result in release of untreated or incompletely treated leachates for days to months, but the water would be less toxic due to elimination of potentially acid generating waste rock.

What are the main conclusions of the report (continued):

- A complete failure of the mine wastewater treatment plant would result in impacts on stream invertebrates and/or fish for up to 100 km downstream. Impacts on fish include avoidance, sensory inhibition, and reduced reproduction.

- The transportation corridor, including a road and four pipelines, would cross more than 50 streams; nearly 290 km of streams between the road and Iliamna Lake could be affected.

- Potential impacts of the roads on water quality include loss and alteration of habitat through filling of wetlands, introduced suspended and deposited sediment washed from the road, increased stormwater runoff, chemical spills from trucks, and blocked culverts. During a 25-year mine life, there are likely to be 4 to 5 chemical spills from trucks.

- The most likely serious failure associated with the potential access road would be blockage or failure of culverts. Blocked road culverts would impact fish migration. Impacts may be low during mine operations due to the greater likelihood of frequent inspections and regular maintenance. Blocked culverts more likely during the post operation phase when it is estimated that 10 to 19 salmonid streams may be blocked at any one time.

- Per pipeline, there is a 95% change of failure over a 25 year operating period. Most failures would occur between stream or wetland crossings and might have little effect on fish. There is likely to be 1 to 2 stream contaminating spills over a 78 year operating period and 2 wetland contaminating spills over the same period. Spills of diesel fuel and ore product concentrate next to stream and wetland habitats would be toxic to fish.

- Failure of a tailings dam would have a one in 2,500 to one in 250,000 probability of occurrence per year for each TSF. The probability of a tailings dam failure increases with an increase in the number of dams.

- Under one scenario involving the release of just 20% of the tailings, failure of a primary dam would result in the release in the complete loss of suitable salmonid habitat in at least 30 km (the extent of modeling analyses) of the North Koktuli River. Likely, such a spill would result in the nearly complete loss of mainstem North Fork Koktuli River fish populations for decades. Over the long-term, habitat quality downstream into the Mulchatna and Nushagak Rivers would likely be degraded due to resuspension and redeposition of tailings.

- Because of the high reliance on salmon for subsistence, and the close connection between salmon and the indigenous culture, Alaska Natives are particularly vulnerable to any changes in the quantity of quality of wild salmon resources.

What are the main conclusions of the report (continued):

- Some fish-mediated effects on Alaska native culture are likely from the footprint or operation under any of the mining scenarios considered. At a minimum, there would be a loss of subsistence use areas, potential loss of access by boat due to water level fluctuations, and the risk of decreased use of fish because of a perception of a change in quality of the fish from mine operations.

What changes are reflected in this revised draft?

- The peer review report and 230,000 public comments we received provided useful and constructive feedback that we used to help revise, improve, and augment the assessment.

- The peer review feedback led us to evaluate additional risks from potential mining, including the risks of escaping leachate from tailings and waste rock, and potential failures of the wastewater treatment process

- Based on the feedback we received, we made key revisions to the assessment:
  - Refinement and better explanation of the mine scenarios assessed, including the role in developing these scenarios of worldwide industry standards for porphyry copper mining and specific preliminary mine plans submitted to state and federal agencies by the Pebble Limited partnership and Northern Dynasty Minerals.

  - Incorporation of modern conventional mining practices into mine scenarios and clarification that some of the projected impacts assume that those practices are in place and working properly.

  - Addition of an appendix describing methods to compensate for impacts to wetlands, streams and fish.

  - Reorganization of the assessment to better reflect the ecological risk assessment approach and to clarify the purpose and scope.

  - Additional details about water loss and water quality impacts on stream reaches, drainage of waste rock leachate to streams, and mine site water balance to assessment of potential mine impacts.

  - Expanded information on the potential transportation corridor to include analysis of diesel pipeline spills, product concentrate spills, truck accidents involving process chemicals and culvert failures.

What are we going to do next?

- We are releasing this revised draft assessment for public comment.

- We are also planning to have the original 12 external peer reviewers look at the revised draft assessment and evaluate if the changes made are responsive to the comments they provided on the May 2012 draft.

- We will review the public comments from this comment period and feedback from the peer review follow up and make final revisions.

- We will issue a summary of our responses to all public and peer review comments when we release the final assessment.

- EPA intends to issue a final assessment in 2013.

- We have not made a determination about how or if we would use our Clean Water Act authorities.

How will the report be used?

- The assessment will inform the public and interested government entities about the biological and mineral resources of the Bristol Bay watershed.
- The assessment will inform the public and interested government entities about the potential impacts of large-scale mining.
- This assessment is a scientific and technical resource that is useful to members of the public as they weigh the challenges of both mining and protecting the ecological resources in the Bristol Bay watershed.
- Our findings concerning the potential impacts of large-scale mining help to inform future government decisions regarding mine development in the Bristol Bay watershed and potential actions to protect and maintain the integrity of the watershed's aquatic resources.
- The assessment may also assist federal and state scientists and resource managers involved in the evaluation of future applications for mine permits submitted for the deposits in the Bristol Bay watershed.
- Perhaps the most important use of this assessment is to better inform dialogue among interested stakeholders concerning the resources in the Bristol Bay watershed and the potential impacts of large-scale mining on those resources.

Internal Q&A

What changes did you make to the assessment?

- Clarification that mine scenarios are based on worldwide industry standards for porphyry copper mining and specific preliminary mine plans submitted to state and federal agencies by the Pebble Limited partnership and Northern Dynasty Minerals.
- Incorporation of modern conventional mining practices into mine scenarios and clarification that those practices are in place and working properly.
- Addition of an appendix describing methods to compensate for impacts to wetlands, streams and fish.
- Reorganization of the assessment to better reflect the ecological risk assessment approach and to clarify the purpose and scope.
- Additional details about water loss and water quality impacts on stream reaches, drainage of waste rock leachate to streams, and mine site water balance to assessment of potential mine impacts.
- Expanded information on the potential transportation corridor to include analysis of diesel pipeline spills, product concentrate spills, truck accidents involving process chemicals and culvert failures.

EPA made these changes based on feedback from the peer review panel and public comments.

What is the purpose of this second comment period?
Provide an opportunity for the public to comment on how the draft was revised. We invite the public to make comments that will help us finalize the document.

What will EPA do with the comments?
We will consider all peer review and public comments and revise the draft as appropriate.

Is there precedent for this second peer review? Has EPA done this before?
Yes. The agency has developed several assessments for which there were reviews of multiple drafts conducted by the same peer reviewers, or a mix of original and new peer reviewers. The agency may choose to obtain additional peer review or public comment on a particular scientific product on a case-by-case basis. This decision could, for example, be based on the volume and nature of the comments it receives, the purpose of the underlying document, the schedule under which it is being developed, or due to other factors.

There was a fair amount of attention paid to the mining scenario during the peer review. Some people called it a "fantasy mine." How is this mining scenario better? What information did you refer to?
In response to the peer review and public comments, we have confirmed that our mining scenarios are based on mining company preliminary plans submitted to federal and state agencies and input from mining experts, are consistent with other mines with similar ore, and assume to use conventional modern technologies. We also added a smaller mine scenario in response to peer review input.

Have you changed your conclusion from the first draft?
No. Our basic conclusions remain the same. The revised assessment reinforces our original findings.

Internal Q&A (continued)

Why has the timeline for the assessment changed so often?
We received many peer review and public comments and we wanted to take the time we needed to fully consider each comment and revise the report. The new assessment has benefited from the input we received.

If Pebble submits a permit application this year, as they've been implying, will that change your process?
Pebble submitting a permit application will not change our process. We hope that the information in the assessment will be very useful for regulators and the public during a permit review process.

Can you tell us more about this expanded information on the transportation corridor?
We did more work to identify potential risks to streams from roads, and included potential risks from diesel spills and truck accidents.

Some of the peer reviewers were unclear about the intent of this document. What is the intent of this document? Did you clarify that point?

We added additional information about the purpose of the document and the questions we were addressing. The purpose of the assessment is to characterize the biological and mineral resources of the Bristol Bay watershed, increase understanding of the impacts of large-scale mining on the region's fish resources, and inform future government decisions related to protecting and maintaining the physical, chemical, and biological integrity of the watershed.

Does the Spruce Mine court decision impact your plans moving forward? Does EPA have any comment on that decision or what it means for Clean Water Act 404c?
The court decision had no impact on the assessment because the assessment is a scientific document and does not contain any decisions about regulatory actions. We have not yet made any decisions about the use of CWA 404(c) in Bristol Bay.

When will you decide if you are going to invoke Clean Water Act section 404 c?
After the assessment report is final.

Are you watching the Keystone process?
Yes, we have been attending the Keystone Center sessions regarding the peer review of the PLP Environmental Baseline Document. We have used the EBD information in our assessment and are supportive of PLP's actions to have the information peer reviewed.
Have you had access to Pebble's baseline data?
We have had some access to Pebble data and reference what was available to us throughout the assessment.

Why aren't you holding public meetings?
We made a great effort to introduce the public to the Assessment through public meetings last May. The revised assessment is primarily a reorganization and extension of the document that the public is already familiar with.

Internal Q&A (continued)

Will there be a second peer review meeting?
No, the peer reviewers have been asked to individually let us know if we have responded to their comments. The peer reviewers will not hold a meeting.

When will EPA have a final assessment?
Our goal is to publish the final assessment in 2013.

What will the agency do with the final assessment?
The assessment will inform EPA's future decision-making on the protection of the Bristol Bay fishery and will help us respond to Tribes and others who have asked us to use of Clean Water Act 404(c) to restrict mining in Bristol Bay.

Is there a timeline for decisions on whether or how to restrict mining?
No. We are concentrating on finalizing the assessment before we make further decisions.

Media Outlets

*asterisk indicates reporters with strong interest and long history in covering this issue

National Outlets	Local Outlets
***Associated Press** Becky Bohrer (Juneau) bbohrer@ap.org 907-586-1515 907-229-0371 (cell) apanchorage@ap.org apjuneau@ap.org	**Anchorage Daily News** Lisa Demer, reporter ldemer@adn.com 907-257-4390 David Hulen, State and Local News Editor 907-351-9015 dhulen@adn.com *Frank Gerjevic, Editorial writer fgerjevic@adn.com 907-257-4308
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***Outside Magazine** Tim Sohn tfsohn@gmail.com 646-403-9927 617-905-9927	**Seattle Magazine** Langdon Cook langdoncook@yahoo.com

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